

CITY PLANNING COMMISSION

Austin, Texas

Regular Meeting--November 1, 1977

The meeting was called to order at 5:30 p.m. in the City Council Chambers.

Present:

Miguel Guerrero, Chairman
Freddie Dixon**
Mary Ethel Schechter
Sally Shipman
Bernard Snyder
Bill Stoll
James G. Vier*

Also Present:

Evelyn Butler, Supervising Planner
Brian Schuller, Planner
Duncan Muir, Planner
Betty Baker, Planning Technician
Kimberley Jamail, Secretary

Absent:

Sid Jagger

*Arrived at 5:40 p.m.

**Left at 7:00 p.m. and returned at 9:00 p.m.

ZONING

C14-77-155	MISSOURI IMPROVEMENT COMPANY: (by Frank Niendorff) 3834 Promotory Point Drive	"D" Industrial, 1st H & A to "C-2" Commercial, 1st H & A
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Mr. Brian Schuller, representing the Planning Department staff, stated that this small 705 square-foot tract is part of a proposed building for a beer distributor. The tract is located within an industrial district and surrounding tracts are undeveloped, except for warehouses on the north. The site was zoned "D" Industrial in 1976. A special permit is currently being considered, pending the zoning change request. The staff recommends approval of the zoning application.

CITIZENS COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

COMMISSION VOTE:

Mr. Stoll moved to recommend "C-2" Commercial, 1st H & A be granted. Mr. Dixon seconded the motion.

AYE: Messrs. Guerrero, Dixon, Snyder and Stoll.
Mmes. Schechter and Shipman.

ABSTAIN: Mr. Vier.

ABSENT: Mr. Jagger.

MOTION PASSED BY A 6-0 VOTE.

C14-77-154 JACK H. BARTLES: "D" Industrial, 3rd H & A to
(by Martin Nassour) "C-2" Commercial, 1st H & A
3412 East 4th Street

Mr. Brian Schuller informed the Commission that a warehouse-type structure currently exists at this location. The structure faces an industrial collector street in east Austin. Surrounding land uses and zoning are commercial/industrial in "D" Industrial, 3rd H & A. A special permit is currently being considered, pending the zoning change request. The staff recommends "C-2" Commercial, 1st H & A be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Albert Colemark

WRITTEN COMMENTS IN OPPOSITION

Texwood Furniture Corporation

H. G. Altmiller

PERSONS APPEARING IN FAVOR

Jack H. Bartles (applicant)

C14-77-154 JACK H. BARTLES (CONTINUED)

CITIZEN COMMUNICATION (continued)

PERSONS APPEARING IN OPPOSITION

Molt Veloz

Daniel Gonzales

COMMISSION ACTION:

The Commission heard the testimony presented. Mrs. Shipman expressed concern over the proximity of the elementary school.

COMMISSION VOTE:

Mrs. Shipman moved to recommend "C-2" Commercial, 1st H & A be denied. Mr. Dixon seconded the motion.

AYE: Messrs. Guerrero, Dixon and Stoll.

Mmes. Schechter and Shipman.

NAY: Mr. Snyder.

ABSTAIN: Mr. Vier.

ABSENT: Mr. Jagger.

MOTION PASSED BY A 5-1 VOTE.

C14-77-140 COVENANT BUILDERS, INC.: Interim "AA" Residence, 1st H & A to
 (by James C. Scivally, Jr.) "GR" General Retail, 1st H & A
 13219 U. S. Highway 183, also
 bounded by Boardwalk Drive

Mr. Duncan Muir, representing the Planning Department staff; informed the Commission that an office building is located on this tract of land. The structure fronts on U. S. 183 and is bounded by a commercial collector street. Commercial uses and undeveloped land front Highway 183 in this vicinity. Mr. Muir stated that the request for "GR" General Retail is consistent with the zoning policy for this thoroughfare. The staff recommends that "GR" General Retail, 1st H & A be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

D. J. Strybos, Spicewood Springs Road Valley Association

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING FAVOR

James C. Scivally, Jr. (representing applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION VOTE:

Mr. Dixon moved to recommend "GR" General Retail, 1st H & A be granted. Mr. Stoll seconded the motion.

CL4-77-140 COVENANT BUILDERS, INC. (CONTINUED)

COMMISSION VOTE (continued)

AYE: Messrs. Guerrero, Dixon, Snyder, Stoll and Vier
 Mrs. Schechter
 ABSENT: Mr. Jagger
 OUT OF
 ROOM: Mrs. Shipman

MOTION PASSED BY A 6-0 VOTE.

CL4-77-141 THOMAS C. WRIGHT: Interim "AA" Residence, 1st H & A to
 (by J. E. Hayes) "GR" General Retail, 1st H & A
 13188-13298 U. S. Highway 183, also
 bounded by Balcones Club Drive

Mr. Duncan Muir informed the Commission that this tract of land is the front portion of two larger tracts. The tract fronts U. S. 183 in far, northwest Austin. A neighborhood collector street abuts on the northwest. A golf course abuts on the south, undeveloped land exists on the west outside the city, undeveloped interim "AA" is on the northwest, and various commercial uses established prior to annexation front subject tract across U. S. 183 on the north. This zoning request conforms with the "GR" General Retail zoning policy set for this thoroughfare. The staff recommends that "GR" General Retail, 1st H & A be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

D. J. Strybos, Spicewood Springs Road Valley Association

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

J. E. Hayes (representing applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

Mr. Snyder asked if there was some legislation pending with the City Council concerning buffering on U. S. 183. Mr. Muir stated that the Council has asked the Planning staff and Urban Transportation staff to study the ways to keep the commercial strip on U.S. 183 less offensive to the passing motorist, but no specific proposal has been made at this time and the study is not complete. The Planning Commission suggested to the applicant that he provide landscape buffering along U. S. 183.

COMMISSION VOTE:

Mrs. Schechter moved to recommend "GR" General Retail, 1st H & A be granted.
 Mrs. Shipman seconded the motion.

AYE: Messrs. Guerrero, Snyder, Stoll and Vier
 Mmes. Schechter and Shipman
 ABSENT: Messrs. Jagger and Dixon

MOTION PASSED BY A 6-0 VOTE.

C14-77-142 J. HAYES BUILDERS, INC.: Interim "AA" Residence, 1st H & A to
 (by J. E. Hayes) "GR" General Retail, 1st H & A
 13414-13470 U. S. Highway 183, also
 bounded by Anderson Mill Road

Mr. Duncan Muir stated that this undeveloped tract fronts U. S. 183 and borders a neighborhood collector street, Anderson Mill Road. Surrounding land uses include a mobile home park on the west, undeveloped land on the north and northeast, a roofing contractor and nursery across U. S. 183 on the east, and undeveloped land on the south. The request conforms to the zoning policy of "GR" General Retail for U. S. 183. The staff recommends that "GR" General Retail, 1st H & A be granted.

CITIZENS COMMUNICATION

WRITTEN COMMENTS IN FAVOR

J. S. Small

D. J. Strybos, Spicewood Springs Road Valley Association

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

J. E. Hayes (applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The Planning Commission suggested that there be a buffer along U. S. 183.

COMMISSION VOTE:

Mr. Vier moved to recommend "GR" General Retail, 1st H & A be granted. Mrs. Shipman seconded the motion.

AYE: Messrs. Guerrero, Snyder, Stoll and Vier

Mmes. Schechter and Shipman

ABSENT: Messrs. Jagger and Dixon

MOTION PASSED BY A 6-0 VOTE.

C14-77-143 STALONG COMPANY, INC.: Interim "AA" Residence, 1st H & A to
 (by Ford Smith & Vance Youens) "C-1" Commercial, 1st H & A
 11541-11571 U. S. Highway 183
 11500-11538 Angus Valley Road

Mr. Duncan Muir stated that this request is for 1,296 square feet of an existing non-conforming grocery store which fronts U. S. 183. Surrounding land is generally undeveloped. The general zoning policy for U. S. 183 is "GR" General Retail with "C-1" Commercial being recommended for the areas of buildings to be used for "package" stores. Mr. Muir indicated the zoning for the existing liquor store to the north as an example of the zoning policy. The staff recommends "C-1" Commercial be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

D. J. Strybos, Spicewood Springs Road Valley Association

CL4-77-143 STALONG COMPANY, INC. (CONTINUED)

CITIZEN COMMUNICATION (continued)

PERSONS APPEARING IN FAVOR

Vance Youens (representing applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION VOTE:

Mrs. Shipman moved to recommend 'C-1' Commercial, 1st H & A be granted. Mr. Vier seconded the motion.

AYE: Messrs. Guerrero, Snyder, Stoll and Vier

Mmes. Schechter and Shipman

ABSENT: Messrs. Jagger and Dixon

MOTION PASSED BY A 6-0 VOTE.

CL4-77-144 JOE S. HILL & ALAN M. HILL: Interim "AA" Residence, 1st H & A to
10500 Jollyville Road "O" Office, 1st H & A (as amended)

Mr. Duncan Muir explained that only the front 200 feet of this tract of land is in the city limits and this 200 feet will be considered for the proposed zoning request. The tract fronts on Jollyville Road and is located in northwest Austin. Part of a non-conforming mobile home park exists on subject tract and extends westward and southward into an adjacent tract. Further west on subject property is a landscape maintenance service. Residences developed prior to annexation and undeveloped land in interim "AA" exist on surrounding property. The sparse development along Jollyville Road at the time of annexation was mixed commercial and residential. The corridor zoning policy which has developed for the lands adjacent to U. S. 183 to the east and Jollyville Road as result of a number of zoning cases is as follows: 1) encourage a maximum of "GR" for tracts fronting U. S. 183, with limited areas of more intensive zoning to the interiors of those tracts, 2) grade down to "O" Office for tracts on the east side of Jollyville Road not oriented to a major intersection, and 3) residential zoning on the west side of Jollyville Road. Mr. Muir further explained that "BB" Residence has been established on one tract on the west side of Jollyville Road, and "A" on others. Due to the amount of traffic on Jollyville Road, the amount of "commercial" development existing, and the recommended "O" on the east side of Jollyville Road, the staff recommends the "BB" district as the appropriate scale-down, buffer zoning for the west side of Jollyville Road. Therefore, the staff recommends that "C" Commercial be denied, but that "BB" Residence be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

D. J. Strybos, Spicewood Springs Road Valley Association

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Joe S. Hill (applicant)

Alan M. Hill (applicant)

PERSONS APPEARING IN OPPOSITION

None

C14-77-144 JOE S. HILL & ALAN M. HILL (CONTINUED)

COMMISSION ACTION:

The applicant indicated a willingness to reduce the request to "O" Office. Mr. Vier stated that he did not see any problem with "O" Office on both sides of Jollyville Road.

COMMISSION VOTE:

Mr. Vier moved to recommend "O" Office, 1st H & A, as amended, be granted.
Mrs. Schechter seconded the motion.

AYE: Messrs. Guerrero, Snyder, Stoll and Vier.

Mmes. Schechter and Shipman.

ABSENT: Messrs. Jagger and Dixon.

MOTION PASSED BY A 6-0 VOTE.

C14-77-153 JAMES A. MARTINDALE: "B" Residence, 2nd H & A to
(by James M. Mabry) "O" Office, 2nd H & A
600 West 9th Street, also
bounded by Nueces Street

Mr. Duncan Muir stated that this lot contains older residential structures fronting the intersection of two major arterial streets in an older neighborhood directly west of the downtown business district. Surrounding zoning and land uses include a mixture of offices and residential densities in "B", "O" and "C". An historic structure exists on the west. The requested "O" is consistent with zoning policy which has been implemented since the mid-1950's in this area. The staff recommends that "O" Office, 2nd H & A be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

J. W. Chapman (no opinion)

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

James Mabry (representing applicant)

PERSONS APPEARING IN OPPOSITION

Mildred Alec Webb

COMMISSION ACTION:

The Commission listened to testimony presented. There was considerable discussion on the parking situation. The applicant stated that they would comply with the parking rules and regulations and felt he could meet these regulations.

COMMISSION VOTE:

Mrs. Schechter moved to recommend "O" Office, 2nd H & A be granted. Mr. Vier seconded the motion.

AYE: Messrs. Guerrero, Snyder, Stoll and Vier.

Mmes. Schechter and Shipman.

ABSENT: Messrs. Jagger and Dixon.

MOTION PASSED BY A 6-0 VOTE.

C14-77-146 AUSTIN NORTHWEST DEVELOPMENT CO.: "O" Office, 1st H & A to
 (by Phil Mockford) "GR" General Retail, 1st H & A
 3107 Steck Avenue, also (on amended area)
 bounded by Shoal Creek Boulevard.

Mr. Duncan Muir stated that this 15.68-acre tract of land is undeveloped. The tract abuts Shoal Creek Boulevard, a major arterial street, and Steck Avenue, a major collector street. Surrounding zoning and land uses include a single-family neighborhood in interim "A" on the east, undeveloped "GR" on the south, a mixture of undeveloped land and business uses in "O", "LR", "GR" and "C" on the west, and undeveloped "GR" across Steck Avenue on the north. A 70-foot drainage easement containing Shoal Creek exists on subject tract along the east border separating any future development from the neighborhood. The staff recommends that this natural buffer area remain zoned "O". The request for "GR" on the rest of the tract is consistent with the area. The staff recommends that "GR" General Retail be denied on the entire tract, but that "GR" General Retail, 1st H & A be granted on all but the easternmost 70 feet.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

D. J. Strybos, Spicewood Springs Road Valley Association

WRITTEN COMMENTS IN OPPOSITION

Nancy C. Luck

Fred G. Gabriel

Lon B. & Wilma B. Fletcher

Robert & Hallie Huttash

PERSONS APPEARING IN FAVOR

Phil Mockford (representing applicant)

PERSONS APPEARING IN OPPOSITION

Neil E. Ballard

Carol Ballard

Karen Young

COMMISSION ACTION:

The Commission listened to the testimony presented. There was discussion regarding Shoal Creek as a buffer. The Commission asked the representative of the owners if they were willing to amend their application to exclude the easternmost 70 feet. Mr. Mockford stated that the owners were willing to amend the application.

COMMISSION VOTE:

Mrs. Shipman moved to recommend "GR" General Retail, 1st H & A be granted as amended to exclude the easternmost 70 feet. Mrs. Schechter seconded the motion.

AYE: Messrs. Guerrero, Snyder, Stoll and Vier.

Mmes. Schechter and Shipman.

ABSENT: Messrs. Jagger and Dixon.

MOTION PASSED BY A 6-0 VOTE.

C14-77-075 COMMUNITY SAVINGS & LOAN ASSOCIATION: Interim "A" Residence, 1st H & A to
 (by James Woodworth & Donald Bird) "DL" Light Industrial, 1st & 5th
 1000-2206 Ed Bluestein Boulevard H & A (as amended)
 6302-6516 Bolm Road

Mr. Duncan Muir explained that this property is an undeveloped tract which faces Ed Bluestein Boulevard and sides an industrial collector street, Bolm Road, in east Austin. The area requested for a zoning change excludes the westernmost 125 feet, a 10-acre strip of land between the subject tract and other land uses to the north and west. The neighborhood is at a generally higher elevation than subject tract. Surrounding zoning and land uses are as follows: undeveloped Local Retail zoning at the very north end of the tract at the intersection of Thurgood Avenue and Ed Bluestein Boulevard; a single-family neighborhood with Johnston High School in "A" on the north and west, single-family residences in "BB" on the west toward the south end of the tract, undeveloped "GR" on the west at the far south end, undeveloped "B" Residence and interim "A" across Bolm Road on the south, and an excavating company and undeveloped land in interim "AA" across Ed Bluestein Boulevard on the east. The Council-approved Master Plan designates the land on the south side of Bolm Road and east of Ed Bluestein Boulevard for manufacturing and related uses. "D" Industrial zoning has been granted by the City Council on both the "B"-zoned and interim "A"-zoned tracts to the south, subject to dedication of street right-of-way to increase the right-of-way to the 80-foot industrial standard. Both those zoning cases are pending. The industrial land east of Ed Bluestein Boulevard was annexed into the city in 1976. Subject tract is oriented to Ed Bluestein Boulevard and faces industrial for which "D" Industrial has been approved or is likely to be approved. The staff recommends the request for the less intensive "DL" Light Industrial district, as it provides a wide, 125-foot green belt to buffer and protect the adjoining neighborhood. Mr. Muir further stated that the staff could also recommend the requested 5th H & A district for the majority of the tract. The zoning policy which has been applied to requests for more intensive height and area is to set back from property boundaries and roadways the more intensive developments at least 100 feet. The 125-foot greenbelt satisfies this recommendation on the west. As "5th" H & A permits structure heights of 60 feet, this green belt width is four times the setback which would be required by the proposed "residential buffering" amendment to the zoning ordinance. That setback requirement is one foot for each two feet of height. The staff recommends setting back the "5th" H & A district 100 feet from Ed Bluestein Boulevard and Bolm Road. The proposed 80-foot right-of-way alignment of Bolm Road requires an additional five feet from subject tract. Mr. Muir stated that this case was heard two months ago by the Planning Commission and one month ago by the City Council. The City Council referred the case back to the Planning Commission for the applicant to work with the property owners of the area. If the applicant is willing to dedicate an additional five feet of right-of-way to increase Bolm Road to the 80-foot industrial standard, the staff recommends that "DL" Light Industrial be granted, and that 5th H & A be denied on the entire tract, but that it be granted on that area 100 feet west of Ed Bluestein Boulevard and north of Bolm Road.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Donald Bird (representing applicant)

PERSONS APPEARING IN OPPOSITION

None

C14-77-075 COMMUNITY SAVINGS & LOAN ASSOCIATION (CONTINUED)

COMMISSION ACTION:

Mr. Bird indicated that his client was in agreement with the staff recommendation, and that they would be willing to deed restrict the property to provide for Planning Commission review of a site plan prior to development. The Commission discussed the recommended setback of the "5th" H & A.

COMMISSION VOTE:

Mr. Stoll moved to recommend "DL" Light Industrial, 1st and 5th H & A be granted as amended, subject to a restrictive covenant providing for a site plan prior to development, and dedication of five feet of right-of-way on Bolm Road. Mrs. Schechter seconded the motion.

AYE: Messrs. Guerrero, Snyder, Stoll and Vier.
Mmes. Schechter and Shipman.

ABSENT: Messrs. Jagger and Dixon.

MOTION PASSED BY A 6-0 VOTE.

<u>C14-77-156</u> <u>ALLEN R. RUNDELL:</u> (by Travis R. Phillips) 4100-4124 Spicewood Springs Rd. 8001-8133 Kerith Dale Drive 3901-3953 Steck Avenue	<u>"A" Residence, 1st H & A to</u> <u>"O" Office, 1st H & A (Tract 1)</u> <u>"BB" Residence, 1st H & A (Tract 2)</u>
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Mr. Duncan Muir explained to the Commission that he had received a call today from the applicant requesting a postponement. He then conveyed to the Commission a copy of a letter which the applicant indicated had been sent to the neighborhood association. Representatives from the neighborhood present at the hearing indicated no opposition to a postponement so that difficulties could be worked out.

COMMISSION VOTE:

Mr. Stoll moved to postpone the case until December 6, 1977 at 6:00 p.m. Mrs. Shipman seconded the motion.

AYE: Messrs. Guerrero, Snyder, Stoll and Vier.
Mmes. Schechter and Shipman.

ABSENT: Messrs. Jagger and Dixon.

MOTION PASSED BY A 6-0 VOTE.

<u>C14-77-151</u> <u>P & H ENTERPRISES, INC.:</u> (by Edgar James) Angus Road, Duval Road and Thunder Creek Road	<u>Interim "AA" Residence, 1st H & A to</u> <u>"A" Residence, 1st H & A and</u> <u>"BB" Residence, 1st H & A</u> (as amended)
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Mr. Duncan Muir stated that this 14.75-acre tract is located in northwest Austin and is bounded on three sides by neighborhood collector streets just east of U. S. 183. The north portion, approximately 11.25 acres, facing Duval Road is occupied by a nursing home developed prior to annexation. The southeast portion of approximately 3.5 acres abutting Thunder Creek Road and Angus Road is undeveloped except for a residence at the southwest corner. Surrounding zoning and land uses include undeveloped "A" on the east, undeveloped interim "AA" on the north, mixed retail/

C14-77-151 P & H ENTERPRISES, INC. (CONTINUED)

commercial and residential in "GR" and interim "AA" on the west, and a mobile home park and large lot residence on the south. This tract is generally located between a commercial strip along U. S. 183 and a developing neighborhood. Two zoning cases and a special permit have been processed on the "A" tract across Angus Road on the east. Commercial zoning has been denied, "LR" not recommended and withdrawn, and a special permit for a medical clinic on 5 acres denied. The zoning policy is to maintain "A" there, and any zoning on subject tract should not stimulate rezoning requests on that tract nor, in the staff's opinion, on the undeveloped tract to the north. The land across Thunder Creek Road on the south, in addition to the existing mobile home park, is impacted by the "LR" on the east. A zoning change there is not unlikely. The staff recommends that the nursing home be zoned "A" as it is permitted in "A" Residence by special permit on sites of at least five acres. For the remaining 3.5 acres (approximate) at the south end, "BB" Residence is recommended instead of the requested "B" with the exception of a 5-foot strip of "A" along Angus Road. The 5-foot strip would prohibit driveways to Angus Road across from the low-density residential neighborhood, and would encourage the orientation of the apartment complex to Thunder Creek Road. The staff recommends the "BB" district because of the lesser density of the developing neighborhood. Mr. Muir stated that the staff recommends that "B" Residence be denied, but that "A" Residence be granted on the approximately 11.25 acres occupied by the nursing home, and that "BB" Residence, "1st" H & A be granted on the remaining approximately 3.5 acres with the exception of a 5-foot strip of "A" Residence along Angus Road.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

J. W. Small

WRITTEN COMMENTS IN OPPOSITION

D. J. Strybos, Spicewood Springs Road Valley Association

PERSONS APPEARING IN FAVOR

Edgar James (representing applicant)

PERSONS APPEARING IN OPPOSITION

Art Estes

Larry Deuser

COMMISSION ACTION:

The Commission heard the testimony presented. There was discussion concerning the denial of zoning change requests across Angus Road. Mr. James informed the Commission that the owners would amend their application to "A" Residence on approximately 11.25 acres occupied by the nursing home, and "BB" Residence, 1st H & A on the remaining approximately 3.5 acres. Mr. James also stated that the applicant would not be agreeable to the 5-foot strip of "A" Residence along Angus Road. He showed a proposed site plan for apartments which showed a driveway access to Angus Road. The Commission was in agreement that when the special permit came in that it follow the site plan presented.

COMMISSION VOTE:

Mr. Vier moved to recommend "A" Residence and "BB" Residence, 1st H & A be granted as amended, with the "A" Residence on the nursing home site and "BB" Residence on the remainder of the tract. Mr. Stoll seconded the motion.

C14-77-151 P & H ENTERPRISES, INC. (CONTINUED)

COMMISSION VOTE (continued):

AYE: Messrs. Guerrero, Snyder, Stoll and Vier.
 Mmes. Schechter and Shipman.
 ABSENT: Messrs. Jagger and Dixon.

MOTION PASSED BY A 6-0 VOTE.

C14-77-152 L. SCOTT SOUSARES & TED SOUSARES: "A" Residence, 1st H & A to
8500 Beech Drive "O" Office, 1st H & A

Mr. Duncan Muir explained that this tracts fronts Beech Drive, a residential collector street, in north Austin. A vacant, non-conforming office structure exists on the tract. Surrounding zoning and land uses include apartments in "B" on the north, east and south, and undeveloped "C" on the west. The staff recommends "B" Residence as this is consistent with tracts fronting Beech Drive in this area. Recently, "O" Office was approved for a similarly situated property one tract to the south. That applicant wanted to use the area for parking for a commercial use fronting Research Boulevard. It was approved subject to a restrictive covenant providing that if the Office zoning is not used for residential purposes, the following restrictions would apply: 1) use is limited to off-street parking only, 2) requirement for a privacy fence or hedge along the north, east and south property lines, and 3) no vehicular access to Beech Drive. The granting of "O" Office zoning with those restrictions would be consistent with Planning Commission and City Council actions on the other tract. The staff recommends that "O" Office be denied, but that "B" Residence be granted. Mr. Muir further explained that the applicant wanted to use the existing building and land for "O" Office purposes, and that due to the existence of the non-conforming structure, the staff felt that deletion of the restriction on the land use is appropriate.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

L. Scott Sousares (applicant)

Ted Sousares (applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The applicant volunteered to deed restrict with regard to the privacy fence or hedge and access prohibition to Beech Drive. The Commission agreed with the staff with regard to the conditions.

COMMISSION VOTE:

Mr. Snyder moved to recommend "O" Office, 1st H & A be granted, subject to a restrictive covenant providing for a privacy fence or hedge on the north, south and east and prohibiting vehicular access to Beech Drive. Mr. Vier seconded the motion.

C14-77-152 L. SCOTT SOUSARES & TED SOUSARES (CONTINUED)

COMMISSION VOTE (continued):

AYE: Messrs. Guerrero, Snyder, Stoll and Vier.
 Mmes. Schechter and Shipman.
 ABSENT: Messrs. Jagger and Dixon.

MOTION PASSED BY A 6-0 VOTE.

C14-77-147	JET BARTLETT, ET AL: (by Ralph Tippit) 3207 Manor Road	"A" Residence, 1st H & A to "GR" General Retail, 1st H & A (as amended)
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Mr. Duncan Muir informed the Commission that this tract fronts Manor Road, a major arterial street in east Austin. It is undeveloped except for a residence at the north end. Surrounding zoning and land uses include a vacant building in "A", used car sales in "GR", and hospital supply in "C" on the west, a single-family residence on a large lot and undeveloped "BB" on the south, undeveloped "BB" and a single-family residence on a large tract on the east, and apartments and printing company in "C" on the north. All surrounding H & A zoning in this area is "1st" except for a small area of "6th" northwest of subject tract. The request for "GR" General Retail is consistent with zoning established for other tracts fronting Manor Road in this area, but the request for "2nd" H & A is not. The staff recommends that "GR" General Retail be granted, but that "2nd" H & A be denied and "1st" H & A be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Ralph Tippit (representing applicant)

PERSONS APPEARING IN OPPOSITION

James Wright

Terry Stephens

Mrs. Felton T. Stephens

Ruth C. Ellison

COMMISSION ACTION:

The Commission listened to the testimony presented. The members asked Mr. Tippit if the applicant would be willing to amend his application to "GR" General Retail, 1st H & A. Mr. Tippit stated that the owner would amend the application. There was some discussion on a buffer for the residential area. The applicant was asked if he would agree to a restrictive covenant providing for a site plan prior to development, and he indicated that he would agree.

COMMISSION VOTE:

Mr. Snyder moved to recommend "GR" General Retail, 1st H & A be granted as amended, subject to a restrictive covenant providing for a site plan prior to development.
 Mrs. Shipman seconded the motion.

C14-77-147 JET BARTLETT, ET AL (CONTINUED)COMMISSION VOTE (continued):

AYE: Messrs. Guerrero, Snyder and Vier.
 Mmes. Schechter and Shipman.
 NAY: Mr. Stoll
 ABSTAIN: Mr. Dixon.
 ABSENT: Mr. Jagger.

MOTION PASSED BY A 5-1 VOTE.

C14-77-148 HARRY E. MONTANDON: "A" Residence, 1st H & A to
 (by Ralph Tippit) "O" Office, 1st H & A
 500 West Oltorf Street, also
 bounded by Durwood Street

Mr. Duncan Muir stated that this undeveloped tract is a narrow 25-foot lot fronting Oltorf Street, a major arterial, and siding a 40-foot right-of-way stub street in south Austin. Surrounding zoning and land uses include a single-family residence in "O" Office on the west, apartments in "B" across an alley on the north, a single-family home in "A" on the east, and an office in "GR" on the south. The zoning policy in this area is to grant zoning changes up to Durwood Street, and subject request for "O" is less intensive than the "GR" facing the tract. Durwood Street does not need expanding as the access for the apartments on the north is to Wilson Street. An additional ten (10) feet is necessary from subject tract to expand Oltorf Street to the planned 80 feet of right-of-way. If the applicant would be willing to dedicate ten (10) feet of right-of-way on Oltorf Street to help accomodate intensified usage permitted by a zoning change, the staff will recommend that "O" Office, 1st H & A be granted.

CITIZEN COMMUNICATIONWRITTEN COMMENTS IN FAVOR

H. Seadek

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Gene Widden

Ralph Tippit (representing applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The Commission asked Mr. Tippit if the applicant would agree to a 10-foot setback on Oltorf Street, Mr. Tippit stated that this was agreeable to the applicant.

COMMISSION VOTE:

Mr. Stoll moved to recommend "O" Office, 1st H & A be granted, subject to dedication of ten (10) feet of right-of-way on Oltorf Street. Mr. Vier seconded the motion.

C14-77-148 HARRY E. MONTANDON (CONTINUED)

COMMISSION VOTE (continued):

AYE: Messrs. Guerrero, Dixon, Snyder, Stoll and Vier.
 Mmes. Schechter and Shipman.
 ABSENT: Mr. Jagger.

MOTION PASSED BY A 7-0 VOTE.

C14-77-149	TRUMAN H. MONTANDON:	Interim "AA" Residence, 1st H & A to
	(by Darrell B. Faubion)	"GR" General Retail, 1st H & A &
	11508-11632 U. S. Highway 183	"O" Office, 1st H & A
	11363-11505 Jollyville Road	(as amended)

Mr. Duncan Muir informed the Commission that this 11-acre, undeveloped tract fronts U. S. 183 and backs to Jollyville Road in northwest Austin. Surrounding zoning and land uses include undeveloped land and commercial uses in interim "AA" with "GR" approved subject to street right-of-way and a barber shop in "O" on the north; suburban residences, sale of used merchandise and undeveloped land in interim "AA" on the west; and an interim "AA" zoned tract with the sale of houses on the U. S. 183 side and undeveloped on the Jollyville Road side on the south. The zoning policy which has developed for the lands adjacent to U. S. 183 and Jollyville Road as a result of a number of zoning cases is as follows: 1) encourage a maximum of "GR" for lands fronting U. S. 183, with limited areas of more intensive zoning to the interior of those tracts, 2) grade down to "O" Office for tracts on the east side of Jollyville Road not oriented to a major intersection, and 3) residential zoning on the west side of Jollyville Road. For through-tracts, such as subject tract, the policy has been to leave a 120-foot strip of "O" along Jollyville Road. In conformance with the stated zoning policy along Jollyville Road, the barber shop tract at the northwest corner was zoned "O", and a request for "DL" Light Industrial on a pie-shaped tract one tract south of subject tract was not recommended by the Planning Commission but "O" recommended instead. The recommended 120 feet of "O" Office along Jollyville Road could be used for parking and driveway access for more intensive uses oriented to U. S. 183, or for business uses permitted in "O", or for apartments.

The staff recommends that "GR" General Retail be denied on the entire tract, but that "GR" General Retail, "1st" H & A be granted on all but a 120-foot strip along Jollyville Road, and "O" Office, "1st" H & A be granted on the 120-foot strip along Jollyville Road.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

D. J. Strybos, Spicewood Springs Road Valley Association

WRITTEN COMMENTS IN OPPOSITION

Elmer & Anita Koenig

PERSONS APPEARING IN FAVOR

Darrell Faubion (representing applicant)

PERSONS APPEARING IN OPPOSITION

None

C14-77-149 TRUMAN H. MONTANDON (CONTINUED)

COMMISSION ACTION:

The Commission questioned the representative about amending his application to provide the "O" along Jollyville Road. Mr. Faubion stated that he would be willing to amend his application to "GR" General Retail, 1st H & A except for 120 feet of "O" Office, 1st H & A along Jollyville Road.

COMMISSION VOTE:

Mr. Vier moved to recommend "GR" General Retail, 1st H & A and "O" Office, 1st H & A be granted as amended. Mrs. Shipman seconded the motion.

AYE: Messrs. Guerrero, Dixon, Snyder, Stoll and Vier.
Mmes. Schechter and Shipman.

ABSENT: Mr. Jagger.

MOTION PASSED BY A 7-0 VOTE.

C14-77-150 TRINITY HOMES, INC.: Interim "AA" Residence, 1st H & A to
(by Dale Hill) "A" Residence, 1st H & A
11741-11763 Jollyville Road

Mr. Duncan Muir explained that this tract fronts Jollyville Road in northwest Austin. A minor residential street deadends into the tract on the east. It is undeveloped except for a residence at the southwest. Surrounding uses include an office/warehouse across Jollyville Road on the south, a low-density neighborhood on the west, north and east, and church property on the southeast. Surrounding zoning is interim "AA" except for "A" recently approved for lots fronting Bell Avenue east of the church. Subject request for "A" which will permit duplexes in addition to single-family residences is compatible with the area development, the existing street access and with the "A" approved along Bell Avenue. The staff recommends that "A" Residence, 1st H & A be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

D. J. Strybos, Spicewood Springs Road Valley Association

WRITTEN COMMENTS IN OPPOSITION

Thomas C. Ohlendorf

Susan L. Ohlendorf

Danny L. Eudy

PERSONS APPEARING IN FAVOR

Dale Hill (representing applicant)

PERSONS APPEARING IN OPPOSITION

Wilma Falk

R. S. Schrader

Rosina V. Gaylord

Carl W. Gaylord

Marilynn Gish

Mrs. Harold Walker

Susan A. Allen

Lee Seiter

Art Smith

Danny Eudy

C14-77-150 TRINITY HOMES, INC. (CONTINUED)

CITIZEN COMMUNICATION (continued)

PERSONS APPEARING IN OPPOSITION (continued)

David M. Ashmore
 Paul A. Weiss
 Mrs. David Ashmore
 Carl Lalicington
 James Pruett
 Jane Schrader
 Timothy J. Watterink
 Alia T. Kuhar
 Edward Tauffer

COMMISSION ACTION:

The Commission listened to the testimony presented. There was considerable discussion concerning the proposed duplexes and whether they would degrade the neighborhood. The Commission asked the representative if he had spoken with the neighborhood owners and showed them his plans. Mr. Hill stated that he had spoken with a representative of the neighborhood, but did not have a set of plans at that time. The Commission suggested that the neighborhood representatives and the developer get together with Mr. Hill to discuss further the development of the area.

COMMISSION VOTE:

Mr. Snyder moved to postpone this zoning request until November 22, 1977 at 5:30 p.m. Mr. Dixon seconded the motion.

AYE: Messrs. Guerrero, Dixon, Snyder, Stoll and Vier.
 Mmes. Schechter and Shipman.

ABSENT: Mr. Jagger.

MOTION PASSED BY A 7-0 VOTE.

C14-76-092	FRANK T. SMITH: (by Walter Wendlandt) 619 West 37th Street, also bounded by King Street & Maiden Lane	<u>Request to terminate restrictive covenant limiting the number of residential units to four (4) un- til King Street is widened. (zoned "B" Residence)</u>
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Mr. Duncan Muir explained that this application is for modification of a restrictive covenant which was a condition for establishment of "B" Residence zoning in 1976. The condition is that subject property be limited to a maximum of four residential units, until King Street is widened from Maiden Lane north to West 38th Street. Right-of-way has been dedicated from subject tract and from the tract across King Street on the west from Maiden Lane north to West 38th Street as a result of a zoning change made recently (Case No. C14-77-107). In case 107, development was not conditioned upon widening of the street, but a special permit was required by restrictive covenant prior to development. The staff recommends elimination of the covenant.

CITIZENS COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

C14-76-092 FRANK T. SMITH (CONTINUED)

CITIZEN COMMUNICATION (continued)

WRITTEN COMMENTS IN OPPOSITION

Jehiel H. Crites, Jr.

Forest S. Pearson

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

COMMISSION VOTE:

Mr. Stoll moved to recommend elimination of the restrictive covenant on the subject tract. Mr. Snyder seconded the motion.

AYE: Messrs. Guerrero, Dixon, Snyder, Stoll and Vier.
Mrs. Schechter.

OUT OF

ROOM: Mrs. Shipman.

ABSENT: Mr. Jagger.

MOTION PASSED BY A 6-0 VOTE.

HISTORIC

C14h-77-034 THOMPSON HOME: "O" Office, 1st H & A to
Zeta Phi Beta Sorority, "O-H" Office-Historic, 1st H & A
Inc., owner
1171 San Bernard Street

Mrs. Betty Baker informed the Commission that this structure was built for John W. Thompson around 1877. Thompson was among Austin's first painters and advertised himself as a house painter, sign painter and ornamental painter as well as a contractor and paper hanger. For more than ten years his business office was in the 100 block of West 8th Street. For ninety years this structure was occupied by members of the Thompson family. Historically, the location of this structure on Robertson's Hill was one of the most desired residential areas in Austin and contained many beautiful frame homes.

COMMISSION VOTE:

Mr. Dixon moved to recommend historic zoning be granted on the Thompson Home, as it meets the finding of facts (see attached). Mr. Snyder seconded the motion.

AYE: Messrs. Guerrero, Dixon, Snyder, Stoll and Vier.
Mmes. Schechter and Shipman.

ABSENT: Mr. Jagger.

MOTION PASSED BY A 7-0 VOTE.

SPECIAL PERMITS

Cl4p-77-044 JACK BARTLES: A lounge with 100 seats
 (by Martin Nassour)
 3412 East 4th Street

Mr. Brian Schuller informed the Commission that this application for a special permit is to allow a lounge with 100 seats at 3412 East 4th Street. The tract is presently zoned "D" Industrial, 3rd H & A with a current application being processed for "C-2" Commercial, 1st H & A. A 6,300 square-foot building exists on the site as shown on the site plan with parking for fifty automobiles and access from East 4th and East 5th Streets. The staff recommends approval, subject to ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATIONWRITTEN COMMENTS IN FAVOR

Albert Aulmosk

WRITTEN COMMENTS IN OPPOSITION

H. G. Altmiller

Texwood Furniture Corporation

Molt Veloz

PERSONS APPEARING IN FAVOR

Jack Bartles (applicant)

PERSONS APPEARING IN OPPOSITION

Molt Veloz

Daniel Gonzales

COMMISSION ACTION:

The Commission listened to testimony presented. There was discussion concerning the location of an elementary school in the area. The Commission discussed denial of the special permit for a lounge because of the disturbance that might result for the residents and the location of the elementary school.

COMMISSION VOTE:

Mrs. Shipman moved to deny the special permit. Mr. Dixon seconded the motion.

AYE: Messrs. Guerrero, Dixon and Stoll.

Mmes. Schechter and Shipman.

NAY: Mr. Vier.

ABSTAIN: Mr. Snyder.

ABSENT: Mr. Jagger.

MOTION PASSED BY A 5-1 VOTE.

Cl4p-77-045 KENNIE SNEED: Real Estate Sign
 6500-6502 Manor Road
 3304 Northeast Drive

Mr. Brian Schuller explained that this application for a special permit to allow a free-standing sign would be a "LR" Local Retail use on property zoned "O" Office. The Zoning Ordinance allows a "LR" Local Retail use in "O" Office where "LR" or more permissive zoning exists adjacent to or across the street from subject tract.

Cl4p-77-045 KENNIE SNEED (CONTINUED)

"GR" General Retail zoning was established across Manor Road to the south in 1972. An "O" Office zoning request was heard and recommended by the Planning Commission on subject tract on October 3, 1977, and granted by the City Council on October 27, 1977. The staff recommends approval, subject to ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Kennie Sneed (applicant)

PERSONS APPEARING IN OPPOSITION

Joan Bartz

Mary Alice Brown

Richard Marquis

COMMISSION ACTION:

The Commission listened to the testimony presented. There was discussion concerning the lighting of the sign. The Commission suggested that the applicant have a timer on the light, or work with residents in the area to resolve the lighting problem.

COMMISSION VOTE:

Mr. Dixon moved to approve the request for a special permit allowing the sign, subject to ordinance requirements and departmental recommendations. Mr. Vier seconded the motion.

AYE: Messrs. Guerrero, Dixon, Snyder and Vier.

Mrs. Schechter.

NAY: Mrs. Shipman and Mr. Stoll.

ABSENT: Mr. Jagger.

MOTION PASSED BY A 5-2 VOTE.

<u>Cl4p-77-046</u> MISSOURI IMPROVEMENT COMPANY: (by Frank Nienforff) 3834 Promotory Point	Hospitality room, serving beer for <u>on-site consumption in conjunction</u> <u>with a beer distributorship with</u> <u>33 seats</u>
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Mr. Brian Schuller stated that this small 705 square-foot tract is part of a proposed building for a beer distributor which would be used for a hospitality room. This tract falls within an industrial district and surrounding tracts are undeveloped except for warehouses on the north. A zoning change is being processed at this time to allow for "C-2" Commercial zoning. The site was zoned "D" Industrial in 1976. A maximum of 33 seats are proposed in the hospitality room. The staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

C14p-77-046 MISSOURI IMPROVEMENT COMPANY (CONTINUED)

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Frank Nienforff (representing applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION VOTE:

Mrs. Shipman moved to approve the special permit for a hospitality room for on-site consumption of alcoholic beverages with a maximum of 33 seats, subject to ordinance requirements and departmental recommendations. Mrs. Schechter seconded the motion.

AYE: Messrs. Guerrero, Dixon, Snyder and Stoll.

Mmes. Schechter and Shipman.

ABSTAIN: Mr. Vier.

ABSENT: Mr. Jagger.

MOTION PASSED BY A 6-0 VOTE.

C14p-77-047 O. SHERMAN SNOWDEN, EXECUTOR: A lounge with 125 seats

(by Gary L. Snowden)

1314-1320 South Lamar Boulevard

Mr. Brian Schuller stated that this application to allow a lounge in an existing strip commercial center is located at 1314-1320 South Lamar Boulevard. "C-2" Commercial zoning was recommended by the Planning Commission on October 4, 1977, and granted by the City Council on October 27, 1977. The application includes seating for 125 persons requiring 63 parking spaces to be provided on the lot. The staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Francis R. Reissig

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

Mr. Guerrero stated that there were some problems with the parking on this case. Since the applicant was not present, he suggested deferring the case until the Commission could listen to his testimony concerning the parking problems.

C14p-77-047 O. SHERMAN SNOWDEN, EXECUTOR (CONTINUED)

COMMISSION VOTE:

Mr. Stoll moved to approve the request for a special permit to allow a lounge with 125 seats subject to ordinance requirements and departmental recommendations.

Mr. Snyder made a substitute motion to continue the hearing on December 6, 1977 at 5:30 p.m. for the Commission to hear the applicant's testimony. Mr. Guerrero seconded the motion.

AYE: Messrs. Guerrero, Dixon, Snyder, Stoll and Vier.
Mmes. Schechter and Shipman.

ABSENT: Mr. Jagger.

SUBSTITUTE MOTION PASSED BY A 7-0 VOTE.

<u>C14p-77-048</u>	JAMES T. O'CONNOR: 101-105 Academy Drive 1201-1209 South Congress Avenue	A lounge with 100 seats called, "BACKSTAGE RESTAURANT and BAR"
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Mr. Brian Schuller stated that he had received a verbal request from the neighborhood organization for postponement. Mr. Allen Haywood, representing the applicant, stated that there was a letter from the neighborhood organization requesting postponement to allow the property owners and the applicant to discuss the plans of the applicant. Mr. Haywood stated that the applicant was in agreement with this request.

COMMISSION VOTE:

Mrs. Shipman moved to postpone this case until December 6, 1977 at 5:30 p.m. to allow the property owners and the applicant time to discuss the request. Mrs. Schechter seconded the motion.

AYE: Messrs. Guerrero, Dixon, Snyder, Stoll and Vier.
Mmes. Schechter and Shipman.

ABSENT: Mr. Jagger.

MOTION PASSED BY A 7-0 VOTE.

SUBDIVISIONS

<u>R105-77</u>	SUBDIVISION MEMORANDUM Short Form and Final Subdivision as listed on the Subdivision Memorandum. Action to be taken at meeting.
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SHORT FORM SUBDIVISION

Mrs. Evelyn Butler of the Planning Department staff reported that the following short form subdivision has appeared before the Commission in the past and has complied with all departmental requirements, and recommended that it be approved.

R105-77 SUBDIVISION MEMORANDUM (CONTINUED)

The Commission then VOTED to APPROVE:

C8s-77-226 Resub. of Lot 13, Camelot, Section 1
Castle Ridge Road & Dartmoor Drive

AYE: Messrs. Guerrero, Snyder and Stoll.
Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Jagger and Vier.

MOTION PASSED BY A 5-0 VOTE.

OLD FINAL SUBDIVISIONS

Mrs. Evelyn Butler of the Planning Department staff reported that the following final subdivisions have appeared before the Commission in the past and have complied with all departmental requirements, and recommended approval of the plats.

The Commission then VOTED to APPROVE:

C8-77-11 Quail Hollow Subdivision, Section One
Kramer Lane

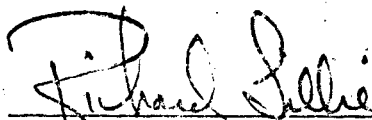
C8-77-32 Beaconridge IV-B
South 1st Street

AYE: Messrs. Guerrero, Snyder and Stoll.
Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Jagger and Vier.

MOTION PASSED BY A 5-0 VOTE.

The meeting adjourned at 11:30 p.m.



Richard R. Lillie, Executive Secretary